

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

EDWIN JONES,

Petitioner,

ORDER

v.

08-cv-517-bbc

WILLIAM FRANCIS, Parole Agent #32811
and DONNA HEDRICH, Social Worker,

Respondents.

EDWIN JONES,

Petitioner,

ORDER

v.

08-cv-520-bbc

DONNA HEDRICH, Social Worker and
WILLIAM FRANCIS, Parole Agent,

Respondents.

Petitioner Edwin Jones, a patient at the Sand Ridge Secure Treatment Center, has submitted proposed complaints in these cases alleging violations of his constitutional rights. In addition, he has submitted a petition and affidavit to proceed without prepayment of fees and costs in each case.

This court uses one method for determining the indigent status of all institutionalized persons, even those like petitioner who are not subject to the 1996 Prison Litigation Reform Act. See Longbehn v. United States, 169 F.3d 1082 (7th Cir. 1999). From a six-month resident account statement covering the full six-month period immediately preceding the filing of the petitioner's complaint, the court calculates two amounts, 20% of the petitioner's average monthly income and 20% of the petitioner's average monthly balance. Whichever amount is greater is the amount the petitioner will have to prepay toward the \$350 filing fee. He will qualify for indigent status with respect to the remainder of the fee. (The in forma pauperis statute does not permit a court to waive entirely a petitioner's obligation to pay filing fees. All it does is allow a court to grant qualifying individuals leave to proceed without *prepaying* some or all of the filing fee.) Petitioner has not provided resident account statements in support of his requests for leave to proceed in forma pauperis. He will have to do so if he intends to pursue his requests.

Petitioner's complaints were filed on August 29, 2008 and September 2, 2008. His resident account statements should cover the period beginning approximately February 29, 2008 and ending approximately September 1, 2008. If petitioner fails to submit the required statements within the deadline set below, I will assume he does not wish to proceed with these actions and the cases will be closed.

ORDER

IT IS ORDERED that petitioner may have until September 29, 2008, in which to submit a certified copy of his resident account statement beginning approximately February 29, 2008 and ending approximately September 1, 2008. If, by September 29, 2008, petitioner fails to submit the required statements or show cause for his failure to do so, I will assume that he wishes to withdraw these actions voluntarily and, in that case, the clerk of court is directed to close these files without prejudice to petitioner's filing his cases at a later date.

Entered this 8th day of September, 2008.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge